

Appl. No. 10/619,916
Amdt. dated March 2, 2006
Reply to Office Action of November 3, 2005

Atty. Ref. 89222.0007
Customer No. 26021

Remarks/Arguments

Reconsideration of this application is requested.

Extension of Time

Enclosed is a request for a one month extension of the period for response to the office action mailed on November 3, 2005. The extended period for response expires on March 3, 2006.

Claim Status

Claims 1-55 are pending. Claims 1, 5, 22, 26, 41, 42, 46, 54 and 55 are amended, claims 2-4, 23-25 and 43-45 are canceled and claims 56-59 are added. Thus, claims 1, 5-22, 26-42 and 46-59 are now pending.

Claim Rejections - 35 USC 102(a)

Claims 1-8, 11, 15 and 18 are rejected under 35 USC 102(a) as anticipated by Shimizu (US 2002/0144852). In response, claim 1 is amended to clearly distinguish over Shimizu. Applicant submits that independent claim 15 as filed distinguishes over Shimizu.

Claim 1, as amended, and claim 15, as filed, require that the first mounting member (8) *is a substantially planar flat plate* having an interface region (15) in contact with the vibration isolation material (12) and a flange region (18) extending away from the vibration isolation material and defining at least one aperture (20) configured to receive a fastener for mounting to garage structure. Thus, claims 1 and 15 require that the interface region and flange region be part of the same planar flat plate that defines the first mounting member.

This structure is advantageous in that it allows vibration isolation material (12) and its mount to the drive motor (40) via second mounting element (10) to be positioned below and in a different horizontal plane than the mount of flange region (18) to the garage structure. Consequently, vibrations from the entire motor assembly and drive system are isolated and attenuated by vibration isolation material (12) from the ceiling and interior structure of the garage in which the

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opener is mounted (see applicant's specification, page 2, lines 3-22 and page 5, lines 1-20).

Shimizu does not disclose (or suggest) such a structure. Shimizu's "interface region" 74 and "flange region" 78 are clearly not part of one substantially planar flat plate, as is required by claims 1 and 15 (see Shimizu, Figs. 5 and 6). Rather, Shimizu's plate 74 and mounting ears 78 are separate structures, and ears 78 extend at a right angle from plate 74. Such a configuration differs from applicant's claimed configuration and does not provide the vibration isolation advantages of applicant's structure. As can be seen in Shimizu's Fig. 3, vibration from engine 40 can pass along a direct line 94 from the center of gravity G directly through plate 74, material 84 and plate 76 to vehicle frame component 20. Moreover, whereas Shimizu merely isolates the motor from the rest of the system, applicant isolates the entire drive system (including the motor) from the structure in which it is mounted.

Since Shimizu does not disclose each and every element of claims 1 and 15, it cannot anticipate those claims or claims 5-8, 11 and 18 dependent thereon. The rejections under 35 USC 102(a) should be withdrawn. In this regard, applicant notes that claims 2-4 are canceled since they are now incorporated in claim 1.

New claims 56-59 depend from claims 1 and 15 and further define the vibration isolation aspects of the invention. In particular, a first horizontal plane passing through the apertures of the flange region does not pass through the vibration isolation material, whereas a second horizontal plane passing through the fasteners of the second mounting plate is parallel to the first horizontal plane and does pass through the isolation material.

Claim Rejections - 35 USC 103(a)

Claims 9, 10, 12-14, 16, 17 and 19-55 are rejected under 35 USC 103(a) as obvious over Shimizu in view of Lhotak (US 5,761,850). Applicant respectfully traverses these rejections.

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Lhotak is cited as showing a motor mounting structure 14 mounted to a motor 20 in a garage door opener system 10. However, Lhotak's vibration dampener 18 is coupled directly and coaxially between motor 20 and motor mount 16 and bears no relation to applicant's structure and claim limitations to a specific configuration of mounting plates, fasteners and vibration isolation material. As with Shimizu, Lhotak merely isolates the motor from other system components, whereas applicant isolates the entire system including the motor from the structure in which it is mounted. Thus, Lhotak does not remedy the deficiencies of Shimizu with respect to claims 9, 10, 12-14, 16, 17 and 19-21, which depend from claims 1 and 15, and the rejections of these claims under 35 USC 103(a) should therefore be withdrawn.

Independent claims 22, 41, 42 and 54 are amended in a similar fashion to claims 1 and 15, discussed above, and therefore distinguish over Shimizu and Lhotak for the same reasons. Thus, the rejections of claims 22-54 under 35 USC 103(a) should be withdrawn.

Claim 55 is amended to include limitations similar to those of new dependent claims 56 and 58. That is, parallel planes pass through the first and second mounting members, but only one of these planes passes through the vibration isolation material. Such a configuration is not present in Shimizu: any plane passing through mounting plate 76 and material 84 will intersect (and thus will not be parallel with) a plane that passes through mounting plate 74 but does not pass through material 84. Thus, the rejection of claim 55 should also be withdrawn.

Conclusion

This application is now believed to be in condition for allowance. The examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

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Respectfully submitted,
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Date: March 2, 2006

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